

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56640 of 2021

Arising Out of PS. Case No.-255 Year-2021 Thana- GHOSI District- Jehanabad

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1. RAJENDRA SHARMA Son of Late Tapeswar Singh Resident of Village-Dehuni, P.S.- Ghoshi, District- Jehanabad.
 2. Ramashish Sharma Son of Late Tapeswar Sharma Resident of Village-Dehuni, P.S.- Ghoshi, District- Jehanabad.
 3. Satendra Sharma Son of Late Tapeswar Sharma Resident of Village-Dehuni, P.S.- Ghoshi, District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-04-2022 Heard learned counsel for the petitioners and the State.

Learned counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

At the outset, learned counsel for the petitioners seeks permission to withdraw this application with regard to petitioner No. 1 as during pendency of this application, he has been taken into judicial custody.

Permission is granted.

Accordingly, this application with regard to petitioner No. 1 is dismissed as withdrawn.



The petitioner Nos. 2 & 3 are apprehending their arrest in Ghosi P.S. Case No. 255 of 2021 registered for the offence under Sections 147, 148, 149, 452, 341, 323, 324, 325, 326, 307, 504 of the Indian Penal Code.

Prosecution case in short is that while the informant was sitting at his Dalan, in the meantime, the accused persons including the petitioners having armed with weapons arrived at his house and started abusing him. Further allegation is that the accused persons assaulted the informant and his son as a result of which, both of them sustained injuries.

It has been submitted on behalf of the petitioner Nos. 2 & 3 that they have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner Nos. 2 & 3. The petitioner Nos. 2 & 3 have been falsely implicated in the present case. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties. The injury on the side of the accused has not been explained by the prosecution. The prosecution has not come with clean hands.

On behalf of the State, it is submitted that the petitioner Nos. 2 & 3 are named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the



case, the petitioner Nos. 2 & 3, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jehanabad in connection with Ghosi P.S. Case No. 255 of 2021 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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